

# **Exhibit Z**

The Town of Forestburgh Town Board held their regular monthly meeting on **Thursday, November 5, 2020** at the Forestburgh Fire House.

Supervisor Hogue called the meeting to order at 6:20 p.m.

Roll Call: Present – Daniel S. Hogue, Jr., Supervisor  
Karen Ellsweig, Councilwoman  
Susan Parks-Landis, Councilwoman  
Steve Budofsky, Councilman

Absent – John W. Galligan, Councilman

Recording  
Secretary – Joanne K. Nagoda, Town Clerk

Others  
Present – E. Danielle Jose-Decker, Attorney for the Town  
Joseph Ruggeri, Highway Superintendent  
Richard Robbins, Planning Board Chair

**PUBLIC COMMENT** – None.

**MINUTES** – Clerk Nagoda submitted minutes of the regular town board meeting of October 1, and the budget workshops on October 15 and 22 for review.

**MOTION** by Councilwoman Landis, seconded by Councilwoman Ellsweig to accept the minutes of the regular meeting on October 1, 2020. Vote: 4 ayes – 0 nays. Motion carried.

**MOTION** by Councilman Budofsky, seconded by Councilwoman Ellsweig to accept the minutes of the budget workshop held on October 15, 2020. Vote: 4 ayes – 0 nays. Motion carried.

**MOTION** by Councilwoman Landis, seconded by Councilman Budofsky to accept the minutes of the budget workshop held on October 22, 2020. Vote: 4 ayes – 0 nays. Motion carried.

**GENERAL FUND VOUCHERS** - # 210 – 235 in the sum of \$8,142.77 as set forth in abstract # 11 were audited for payment. **MOTION** by Councilwoman Landis, seconded by Councilwoman Ellsweig to pay general fund vouchers. Vote: 4 ayes – 0 nays. Motion carried.

**HIGHWAY FUND VOUCHERS** - #143 – 156 in the sum of \$12,785.31 as set forth in abstract # 11 were reviewed for payment. **MOTION** BY Councilwoman Ellsweig, seconded by Councilwoman Landis to accept the highway fund vouchers. Vote: 3 ayes – 0 nays. Supervisor Hogue abstained. Motion carried.

**ESCROW FUND VOUCHERS** - # 14 & 15 in the sum of \$1,751.00 as set forth in abstract # 9 were audited for payment. **MOTION** by Councilwoman Ellsweig, seconded by Councilwoman Landis to pay the escrow fund vouchers. Vote: 4 ayes – 0 nays. Motion carried.

## **REPORTS**

Supervisor Hogue submitted a report a monthly financial activity for the month of October.

Superintendent Ruggeri stated that Burns Road has been closed for the season and that the salt/sand mix is available for residents in front of the highway garage.

Clerk Nagoda submitted a report of clerk fees and activity for the month of October.

Code Officer Gabbard submitted a report of building department fees and activity for the month of September & October.

Justices Carroll & Gunther submitted reports of court fees and activity for the month of October.

**CORRESPONDENCE** - None

## **UNFINISHED BUSINESS**

**2021 BUDGET** – We just had the public hearing on the budget, does the board have any questions or comments on the budget. **MOTION** by Councilwoman Ellsweig, seconded by Councilman Budofsky to adopt the preliminary budget as the budget for the Town of forestburgh for fiscal year 2021. Vote: 4 ayes – nays. Motion carried.

## **NEW BUSINESS**

**YEAR END MEETING** – As always, we will have our regular December meeting, and I'd like to change it to 6:00 p.m. but we need to schedule our year end meeting for the purpose of balancing the books. Discussion was held on various dates and conflicts with holidays. MOTION by Councilman Budofsky, seconded by Councilwoman Landis to hold the year end meeting on Monday, December 21, 2020 at 3:00 p.m. in the town hall and to have the December meeting be held at 6:00 p.m. at the firehouse. Vote: 4 ayes – 0 nays. Motion carried.

**LOST LAKE CONSULTANT** – I have been in contact Chairman Robbins and he and I met with Chuck Voss who is now with Barton & Loguidice. Mr. Voss worked with C.T. Male when Lost Lake was in it's beginning stages. Richard also met with C.T. Male, I was unable to attend who was our consultant that went through the approval process with us. We are not going to make any decisions tonight, but I want to get the proposal packets to the board for their review. A project of this magnitude is more than we are prepared to handle. The developer will be paying for the cost of our consultant who will oversee approvals and construction. They will also consult with the planning board to provide insight and guidance as this project moves forward. Chairman Robbins stated that both groups have excellent qualifications. Chuck Voss has committed to being our point person on this project and he understands our position well, as he is the Chairman of a small-town planning board just outside of Albany. He understands our role and what lies ahead of us. C.T. Male was our consultant for Lost Lake, there are people still at C.T. Male who worked on Lost Lake, including their most senior person, John Munsey. The Planning Board feels we may need a consultant sooner than later, as they have already found some of their infrastructure to be inadequate and they are talking about re-designs. Any deviation from the original plan have to come back to the planning board. I would urge the board to be ready to make a decision. Our deadline to be on the agenda for the November meeting is November 12, so anything could still come through the door. Copies of both proposals will be sent to all board members for their review.

Justin Evans – As important as a consultant is right now, legal advice is AS important. I think now is the time to hire a law firm with experience and expertise in land development and density. Let the developer pay for that in escrow too and be locked and ready to go. This is going to be the largest development in New York State in our little Podunk town and we need REAL litigation advice. Chair Robbins has spoken with our planning board attorney, Jacy Ricciani who has given us the names of a couple of firms and I am familiar with other firms as well. Chair Robbins urged the town to also hire land use attorneys to help the planning board.

Supervisor Hogue stated that no buildings can be built without infrastructure – water, sewer and that is a huge undertaking. The DEC will be involved if they are talking about making changes to the sewer which is one of the things I have heard. We will have to wait and see.

**ROUTE 42 SIGNAGE AT TOWN HALL** – In the last few months there have been several accidents and a few weeks ago, a 23 year old man lost his life at the entrance to town hall. There is currently one little sign showing the curve. I think we have to do a resolution asking the state to please do a traffic review at the intersection of Route 42 and King Road. Councilwoman Ellsweig stated we should ask for more signage and today I was walking there with Susan Hawvermale and those trucks are flying and it looks like they are on two wheels when they take that turn. Supervisor Hogue stated that he knows who he has to speak to but feels if we attach a resolution requesting their review. We can't just ask for more signage – they determine that. MOTION by Councilwoman Ellsweig, seconded by Councilman Budofsky to authorize the Supervisor to contact the State Department of Transportation to review road conditions and signage at the intersection of Route 42 and King Road. Vote: 4 ayes – 0 nays. Motion carried.

#### **BOARD MEMBER COMMENTS –**

Councilwoman Ellsweig – Franklin Trapp from the Forestburgh Playhouse contacted Susan Hawvermale and I and Susan Miller who were on the fundraising committee for the Playhouse for years. Franklin has come up with a way to do something Covid-19 friendly and I just wanted to let the board know. He is announcing a holiday event at the Playhouse – there will be a tree lighting and a menorah lighting on December 12 and basically what they are doing is a food drive. They are looking to collect food, mainly rice – they said the Federation for the Homeless has a steep demand for rice. Forestburgh General Store is a drop off point for donations. I just wanted to help promote the event. I think it is a wonderful idea and a good way for the Playhouse to give back to the community. If you wish to attend on December 12, you must make a reservation at the Playhouse. Franklin has limited space available due to social distancing and Covid-19 guidelines.

Councilwoman Landis – I would like to take this time to congratulate our attorney, E. Danielle Jose-Decker on her successful election to Sullivan County Court Judge and Surrogate.

Supervisor Hogue – I have an email from the Public Service commission that they are holding a public hearing on the acquisition of American Water Works by Liberty Eastern Water. There is comment period in November. This affects those people living on Black Brook Drive, Valley Road and Cross Street. The town does not have any financial interest in any of this, however, we will put this on the website. I also attended a Supervisor's meeting yesterday. The county is looking for any regulations that the town's have regarding Air BnB's – some towns want to be very restrictive and other towns don't want to restrict anything. The county is looking to get some sort of user fee. Bethel is having an issue with them in the Smallwood area. We are fortunate that we haven't had any issues with them and ours in town seem to be pretty upscale. We had issue with one early on, but that has been resolved.

Councilwoman Ellsweig – In hindsight of this week, between the windstorm and the power failures, would it serve the board to have some sort of written emergency plan? If we lose power, phone and internet, I think we could work better as a team. We could call on each other to help with different things. Dan is incredibly good at writing emails and getting stuff done, but perhaps he could delegate some of that on to the rest of us board members. Maybe just some sort of written plan. We're going to have another emergency – it's Forestburgh, we've had tornado's, blizzards, hurricanes. Supervisor Hogue replied that both the Highway Superintendent and I both must attend emergency mitigation sessions in order for us to receive funding from FEMA after a disaster. A smaller plan more directed for the town is not a bad idea – jot down your thoughts and we'll put something together. Councilwoman Ellsweig asked Councilman Budofsky if he could call a few other town's and see if they have anything on the books. Why recreate the wheel if another town already has a plan. Attorney Jose added that by 2021 you are also going to be required to have a Pandemic Plan in place – that's coming down, so while you are at it, you should try to incorporate that into the mix. Councilwoman Ellsweig asked if there were any recommendations or requirements from the state. Attorney Jose replied no, you are just required to form your own Pandemic Plan. Supervisor Hogue will check with our insurance company NYMIR and see if they are coming up with a plan. Councilman Budofsky stated that we had no issues – thankfully power restored before the polls opened, I had been in contact with Spectrum which was in and out. But for the elections, we had no issues – everyone followed protocol, social distanced and wore masks, there were no political issues. Under the circumstances, it went as smoothly as it could go. Councilwoman Ellsweig asked if we could put on the agenda exploring the possibility of a generator and asked if it was something we could bond. Supervisor Hogue stated that it would depend on the cost but we really don't have the resources to power a generator for extended periods of time. It cost the fire department thousands of dollars the last time we had a lengthy outage and the town hall isn't used as a warming center. Superintendent Ruggeri has three quotes that he received in March and they are not cheap. Superintendent Ruggeri will have his guy come and give a quote for the town hall and the three quotes he has for the garage will be shared with the board members.

#### COMMITTEE REPORTS

Planning Board – We had our first real live meeting and thank you to the Forestburgh Fire Company for allowing us to use the firehouse. The Forestburgh Pond project has received their approval so they may now move forward with the purchase of the property, which their contract was contingent on receiving our approval. Antler Club received their subdivision approval – that was done in one meeting as the county road naturally dissected their property, so they received their approval in one meeting.

Historian – We are doing a project with the Town of Deerpark Historian that we are collecting old flags for proper destruction on Flag Day. There is a flag collection box in the town hall.

Seniors – No report

Zoning Review – The next meeting is Tuesday from 7 – 9 p.m. at the town hall. We are getting closed to completion of the zoning rewrite.

Grateful Deadheaders – We are basically done for the season and we have received our \$500 continuation grant which we must spend by next October. We still need to repair the locks on the pool house and there is a bunch of stuff on the shelves that needs to be cleaned out of the pool house. There is some stuff that is brand new, such as large containers of sidewalk chalk. Well hopefully this year we will be able to open the pool this year and that stuff can come out for the kids who don't want to swim. We will get it cleaned out.

Supervisor Hogue added that the Visitor's Association will be doing a drive through Holiday Lights program at Bethel Woods from the end of November through December.

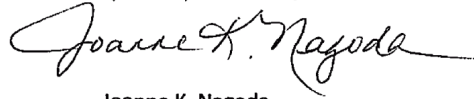
Friends for Fitness – No activity – but we are working on the walking path around town hall.

Fire Department – No report

PUBLIC COMMENT – None

ADJOURNMENT – MOTION by Councilman Budofsky to adjourn at 7:24 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Joanne K. Nagoda". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Joanne K. Nagoda,  
Town Clerk